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JW

DOCKET NO.: ORT 1531  
Application No.: 10/037,369  
Office Action Dated: August 12, 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

CHEUNG, Wing K., Basant  
SHARMA, Selima BEGUM, and  
Sweta CHOSKI

**Confirmation No.:** 6789

**Application No.:** 10/037,369      **Group Art Unit:** 1654

**Filing Date:** November 7, 2001      **Examiner:** Michael V. Miller

**For:** Aqueous Sustained-Release Formulations of Proteins

EXPRESS MAIL LABEL NO: EV 313407989 US  
DATE OF DEPOSIT: September 13, 2004

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: Office of Publication/Publishing Division

Sir:

**REPLY TO NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION**

In response to the Notice dated **September 13, 2004**, and to correct the inconsistency noted therein, Applicants submit herewith a copy of Figure 8.

In addition to the Figure, Applicants submit evidence that this Figure was originally included with the application at the time of filing, and thus does not constitute new matter.

The evidence includes:

**DOCKET NO.: ORT 1531**  
**Application No.: 10/037,369**  
**Office Action Dated: August 12, 2004**

**PATENT**

- a copy of Applicants' postcard receipt indicating eight (8) sheets of drawings were submitted at time of filing;
- a copy of the Filing Receipt indicating eight (8) drawings were received (along with Applicants' Request for corrected Filing Receipt to correct date of receipt).

Applicants respectfully submit that this evidence, along with the facts that eight sheets of drawings are described on the transmittal letter, and that no notice was ever previously issued regarding any inconsistency between the drawings and the specification, is sufficient to establish that Figure 8 was originally filed and received in the United States Patent and Trademark Office.

Please advise us if you require anything further prior to publication.

Please charge any fees in connection with this submission to Deposit Account No. 10-0750/ORT-1531/MHM.

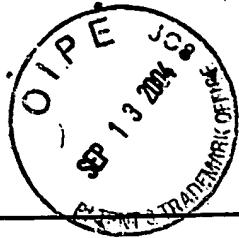
Respectfully submitted,

Date: September 13, 2004

  
\_\_\_\_\_  
Myra N. McCormack  
Registration No. 36,602

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
Telephone: (732) 524-6932

Encl.: Notice of Inconsistency (1 page)  
Filing Receipt/Request for Correction(7 pages)  
Postcard (1 page)



10/037,369

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

### NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION

The drawings filed 11-7-01 have been received. However, an inconsistency exists between the drawings and the Brief Description of the Drawings in the specification.

Figures 8 <sup>is</sup> are listed in the Brief Description of the Drawings in the specification but not contained in the Drawings.

Figures \_\_\_\_\_ are contained in the Drawings but not listed in the Brief Description of the Drawings in the specification.

Applicant is required to correct the above-noted inconsistency within a time period of **ONE MONTH or THIRTY (30) DAYS**, whichever is longer, from the mailing date of this Notice, or within the time remaining in the time period set forth in the Notice of Allowability (Form PTOL-37) to file corrected drawings, whichever is longer. **NO EXTENSION OF THIS TIME PERIOD MAY BE GRANTED UNDER EITHER 37 CFR 1.136 (a) OR (b)**

Failure to correct the above noted inconsistency will result in abandonment of the application.

The file will be held in the Publishing Division to await the correction of the inconsistency.

**Return Corrected Drawings/Specification to:**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450

Alexandria, VA 22313-1450

Office of Patent Publication/Publishing Division  
Customer Service: 703-308-6789  
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FORM PTO-1631 (REV. 10-03)



SERIAL NO. \_\_\_\_\_ DOCKET NO. 08T1531 BY Jaw  
APPLICATION OF CHEUNG et al. MAILED: 7-Nov-2001  
ENTITLED Aqueous Sustained-Release Formulations  
of Proteins

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE  
STAMPED HEREON:

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|---|--------------------------------------|--|
| <input type="checkbox"/> AFFIDAVIT                                    | <input type="checkbox"/> DECLARATION | <input type="checkbox"/> EXTENSION OF TIME                                       |
| <input type="checkbox"/> AMENDMENT                                    |                                      | <input type="checkbox"/> NOTICE OF APPEAL  |
| <input type="checkbox"/> ASSIGNMENT FOR RECORDING                     |                                      | <input type="checkbox"/> OATH OR <input checked="" type="checkbox"/> DECLARATION |
| <input type="checkbox"/> BRIEF  |                                      | <input checked="" type="checkbox"/> POWER OF ATTORNEY                            |
| <input checked="" type="checkbox"/> CHARGE TO DEPOSIT ACCOUNT 10-0750 |                                      | <input type="checkbox"/> PRELIMINARY STATEMENT                                   |
| <input checked="" type="checkbox"/> DRAWINGS <u>8 sheets</u>          |                                      | <input type="checkbox"/> PRIORITY DOCUMENT                                       |
| <input type="checkbox"/> ISSUE FEE TRANSMITTAL                        |                                      | <input type="checkbox"/> STATUS INQUIRY  |
| <input type="checkbox"/> LETTER                                       |                                      | <input checked="" type="checkbox"/> SPECIFICATION <u>43</u> PGS                  |
| <input type="checkbox"/> PCT FILING                                   |                                      | <input checked="" type="checkbox"/> CLAIMS <u>19</u> (3 pages)                   |
| <input type="checkbox"/> IDS - FORM-1449                              |                                      | <input checked="" type="checkbox"/> Express Mail Cert                            |

FORM 113788 REV. 7/96

**RECEIVED**

NOV 08 2001

J & J PAT. DKT. SECTION



SERIAL NO. 10/037,369 DOCKET NO. ORT 1531 BY JWW  
APPLICATION OF CHEUNG et al. MAILED: 8 April 2002  
ENTITLED Aqueous Sustained-Release Formulations  
of Proteins

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE STAMPED HEREON:

- AFFIDAVIT
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- DECLARATION
- BRIEF
- POWER OF ATTORNEY
- CHARGE TO DEPOSIT ACCOUNT 10-0750
- DRAWINGS
- PRELIMINARY STATEMENT
- ISSUE FEE TRANSMITTAL
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- PCT FILING
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APR 09 2002

J & J PAT. DKT. SECTION



Docket No. ORT-1531

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wing K. CHEUNG, et al.

Application No.: 10/037,369

Group No.: 1653

Filed: 7 November 2001

Examiner: Not Assigned

For: AQUEOUS SUSTAINED-RELEASE FORMULATIONS OF PROTEINS

CERTIFICATION UNDER (37 C.F.R. § 1.8(A))

I hereby certify that, on the date shown below, this correspondence is being:

Mailing

Deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C.20231.

Date: 8 April 2002

Facsimile

transmitted by facsimile to the Patent and Trademark Office.

Signature

John W. Wallen, III

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, D.C. 20231

REQUEST FOR CORRECTED FILING RECEIPT

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.

*Note: The PTO will not correct the filing receipt until the application is complete (in other words, the applicant files a response to the notice to file missing parts).*

2. There is an error with respect to the following data, which is:

incorrectly entered and/or  omitted.

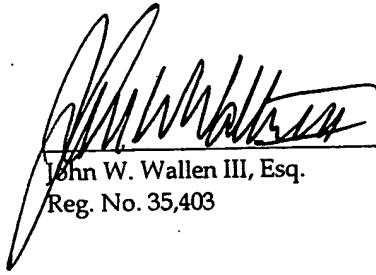
Error in

Correct data

|  |                    |
|--|--------------------|
| 1. <input type="checkbox"/> Applicant's name       | 1.                 |
| 2. <input type="checkbox"/> Applicant's address    | 2.                 |
| 3. <input type="checkbox"/> Title                  | 3.                 |
| 4. <input checked="" type="checkbox"/> Filing Date | 4. 7 November 2001 |
| 5. <input type="checkbox"/> Application Number     | 5.                 |
| 6. <input type="checkbox"/> Foreign/PCT App. Re:   | 6.                 |
| 7. <input type="checkbox"/> Other                  | 7.                 |

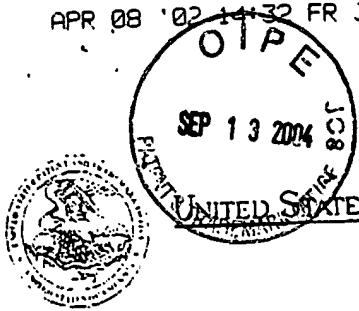
Request for Corrected Filing Receipt  
ORT-1531

3. Please charge any fees in connection with this Request to Deposit Account No. 10-0750/ORT-1531/JWW.



John W. Wallen III, Esq.  
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Date: 8 April 2002  
Customer No. 000027777



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY.DOCKET.NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|----------------|----------|------------|------------|
| 10/037,369         | 01/07/2002  | 1653         | 740           | ORT-1531       | 8        | 19         | 3          |

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J &amp; J PAT. DKT. SECTION

CONFIRMATION NO. 6789

## FILING RECEIPT



"OC000000007657601"

Date Mailed: 03/18/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Wing K. Cheung, Warren, NJ;  
Basant Sharma, Bridgewater, NJ;  
Sweta Chokshi, Edison, NJ;  
Selima Begum, Edison, NJ;

## Domestic Priority data as claimed by applicant

## Foreign Applications

If Required, Foreign Filing License Granted 03/16/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

## Title

Aqueous sustained-release formulations of proteins

## Preliminary Class

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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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